

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION  
No. 7:20-CV-16-D

FREEMAN HANKINS, SR.,

Plaintiff,

v.

BRUNSWICK COUNTY, and  
JON DAVID, DISTRICT ATTORNEY,

Defendants.

**ORDER**

On January 24, 2020, Freeman Hankins, Sr. (“Hankins” or “plaintiff”), appearing pro se, filed a motion to proceed in forma pauperis [D.E. 1]. On February 24, 2020, the court referred the matter to Magistrate Judge Swank for a memorandum and recommendation regarding the Hankins’s motion to proceed in forma pauperis and for a frivolity review [D.E. 8]. On March 11, 2020, Hankins filed an amended motion to proceed in forma pauperis [D.E. 13]. On April 14, 2020, Hankins moved for a change of venue [D.E. 16]. On May 11, 2020, Hankins moved to amend his complaint [D.E. 19]. On October 27, 2020, Magistrate Judge Swank issued a memorandum and recommendation (“M&R”) and recommended that the court dismiss Hankins’s complaint as frivolous or for failure to state a claim upon which relief can be granted [D.E. 26]. On October 30, 2020, defendants responded to the M&R [D.E. 27]. On November 9 and 12, 2020, Hankins objected to the M&R [D.E. 28, 29]. On November 30, 2020, plaintiff moved for default judgment [D.E. 31].

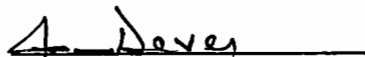
“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th

Cir. 2005) (alteration, emphasis, and quotation omitted); see 28 U.S.C. § 636(b). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond, 416 F.3d at 315 (quotation omitted). If a party makes only general objections, de novo review is not required. See Wells v. Shriners Hosp., 109 F.3d 198, 200 (4th Cir. 1997). “In order to preserve for appeal an issue in a magistrate judge’s report, a party must object to the finding or recommendation on that issue with sufficient specificity so as reasonably to alert the district court of the true ground for the objection.” Martin v. Duffy, 858 F.3d 239, 245 (4th Cir. 2017) (quotation omitted); see United States v. Midgette, 478 F.3d 616, 622 (4th Cir. 2007).

The court has reviewed the M&R, the record, and the objections. The court overrules as baseless Hankins’s objections [D.E. 28, 29] and is satisfied that there is no clear error on the face of the record. See Diamond, 416 F.3d at 315. Thus, the court adopts the conclusion in the M&R.

In sum, the court ADOPTS the conclusions in the M&R [D.E. 26], OVERRULES as baseless the objections [D.E. 28, 29], and DENIES as meritless plaintiff’s motions for a change of venue [D.E. 16], to amend his complaint [D.E. 19], and for default judgment [D.E. 31]. The clerk shall close the case.

SO ORDERED. This 15 day of December 2020.

  
JAMES C. DEVER III  
United States District Judge